

SICC IN THE NEWS
SICC Newsletter | 01/2015

S/N	PUBLICATION (LOCAL)	HEADLINE	SUMMARY
Articles on the Launch of the Singapore International Commercial Court (SICC)			
1	The Straits Times , 6 January 2015, Top of the News, Page A8	<i>Singapore launches court to hear global business disputes</i> Click to view article	The new Singapore International Commercial Court (SICC) to hear global business disputes was launched yesterday at the Supreme Court. It will have specialist jurists hearing international commercial disputes. These could be cases governed by foreign law where the parties involved have agreed to use the new court or cases transferred from the High Court. The new court – the first of its kind in Asia – will help to position Singapore as a dispute resolution hub.
2	The Straits Times , 6 January 2015, Top of the News, Page A8	<i>New court aims to be 'Asia's first choice'</i> Click to view article	Singapore's newest court kicked off with a blast yesterday, backed by a panel of eminent international jurists which should ensure high standards. The Singapore International Commercial Court is geared to hear cross-border disputes and, along with the successful arbitration sector, is a part of Singapore's plan to be Asia's dispute resolution hub as well as grow the legal service industry here.
3	The Straits Times (Online edition) , 5 January 2015	<i>New Singapore International Commercial Court launched</i> Click to view article	The new Singapore International Commercial Court was launched on Monday at the Supreme Court. The specialist court will hear disputes over global business deals. The new court is part of a plan to position Singapore as Asia's dispute resolution hub.
4	Today , 6 January 2015, Hot News, Page 8	<i>11 sworn in as Commercial Court's first International Judges</i> Click to view article	11 current and former judges, hailing from seven countries, will form the first batch of international judges at the Singapore International Commercial Court, which was officially opened yesterday. They were sworn in yesterday at the Istana and will serve a term of three years. The aim of setting up a world court for commercial disputes is to tap on the "explosive growth" in commercial activity in Asia, Chief Justice Menon said.

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5	Channel News Asia (Online edition), 5 January 2015	<i>Singapore International Commercial Court launched</i>	The Singapore International Commercial Court was launched on Monday (Jan 5), in a move that brings the Republic closer to its aspiration of being a centre for resolving commercial disputes. Chief Justice Menon said trade flows into and out of Asia are surging. He noted that the growth of commercial activity in Asia will be accompanied by an increase in commercial disputes. Hence, this will give rise to a need for institutions able to resolve these disputes swiftly and efficiently, while laying the groundwork for a freestanding body of supporting commercial law, he said.
6	Lianhe Zaobao, 6 January 2015, Page 8	<i>New Singapore International Commercial Court launched; 11 International Judges sworn in</i>	The new Singapore International Commercial Court (SICC) for which planning has taken two years was officially launched yesterday. Chief Justice Sundaresh Menon expressed that Singapore must remain open to the region and the global community if it is to build a world-class legal infrastructure. Judges hearing cases in SICC not only include five appointed Senior Judges who are retired High Court judges but also 11 International judges who come from seven different regions. They were sworn in at the Istana last night. <i>(Translated)</i>
7	Singapore Tonight, CNA, 7 January 2015	<i>Hub for Dispute Resolution – Interview with Professor Simon Chesterman, Dean, Faculty of Law, NUS</i>	Professor Chesterman shared on the impetus of setting up the SICC, the type of cases expected to be heard, how the Judiciary can assure that the SICC Judges are adequate to handle the cases and enforcement of the SICC judgements.
8	The Straits Times, 12 January 2015, page A8	<i>Buzz over new Singapore court for cross-border disputes</i> Click to view article	The SICC has already created a buzz among parties interested in bringing cross-border disputes to be heard in Singapore. Businessmen and lawyers in the region would be drawn to have their disputes heard at SICC as it is Asia's first international commercial court and its location is ideal. Reports also noted comments by Justice Ramsey and Justice Berger on Singapore's high legal reputation within the region and

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			<p>internationally. It noted comments by all three judges that the various regional reciprocal enforcement agreements and multinational conventions would help international judgments gain currency and also noted comments by Justice Ramsey that the issue of enforcement is a small risk. It also noted comments by Justice Berger that she anticipates the SICC to be expeditious and fair in its decision, which is what she understood Singapore to be – a place where we can accomplish one’s goals rapidly and where one can bring together a group of people who are committed to the same goal of having an efficient, effective and neutral decision-maker.</p>
9	<p>The Business Times, 12 January 2015, page 6</p>	<p><i>Singapore’s newest international commercial court set to thrive</i></p> <p><u>Click to view article</u></p>	<p>SICC boasts a panel of prominent international jurists and positioned itself as the neutral venue for dispute resolution in the region, and that the SICC is expected to take off in three years’ time. It noted that the SICC was the finishing piece of the arbitration framework that will gear Singapore up to be Asia’s dispute resolution hub, alongside SIAC and the SIMC. It noted comments by Justice Ramsey that the SICC and the SIAC will reinforce each other and that he does not see competition that will erode each other. It also noted comments by Justice Berger that there is a need for disputes to be attended to in a timely fashion so that businesses will not suffer unnecessarily and that the SICC fits the bill. It also noted comments by the three judges that the parties rarely resisted judgments by the international commercial courts and noted comments by Justice Loh that there were provisions to enforce the judgments. It also noted that the SICC is expected to improve the level of dispute resolution in Singapore as local lawyers will work more closely with international counterparts which will in turn broaden their horizons.</p>

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10	Lianhe Zaobao, 12 January 2015, page 7	<i>International Judge Sir Ramsey: Singapore International Commercial Court could achieve success in a short time</i>	It noted that the newly-appointed International Judges were very confident about the SICC and expects that it could achieve success within a short time. It noted comments by Justice Ramsey that it was appropriate for Singapore to adopt the model of the London Commercial Court in view of Singapore's good reputation in the region. It noted comments by Justice Berger that in view that the idea was implemented within two years, Singapore will be able to handle the challenges of setting up a new court and to make it a success. It also noted comments by Justice Loh that a measure of success would be when companies indicate the SICC as a venue for dispute resolution in their contracts. The article also added comments by the three Judges that the SICC will complement SIAC to resolve different types of disputes.
11	The Straits Times, 16 January 2014	<i>Opinion: Positioning Singapore as Asia's legal capital</i> <u>Click to view article</u>	The design and development of a preventative regime will require a new paradigm shift in the way we look at the sources of conflict and how we should proactively manage such dispute-related risks from emerging. There is a real opportunity to develop a unique Singapore methodology and development model to manage disputes in the international arena by leveraging our trusted brand, legal and judicial talents and technology.
Articles on the appointment of Sir Bernard Eder as an International Judge of the SICC			
12	The Straits Times Online, 7 May 2015	<i>Singapore International Commercial Court appoints Sir Henry Bernard Eder as International Judge</i> <u>Click here to view article</u>	Sir Henry Bernard Eder will be appointed as an International Judge to the Singapore International Commercial Court on 7 May 2015. Sir Bernard is widely recognised as an expert in areas such as commercial disputes, civil claims and international arbitration involving all aspects of commercial law including banking, shipping, sale of goods, commodities, oil/gas and insurance.

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13	Channel NewsAsia Online, 7 May 2015	<i>Sir Henry Bernard Eder appointed to Singapore International Commercial Court bench</i> Click here to view article	Formerly a Judge of the High Court of England and Wales, Sir Bernard's appointment will bring the total number of International Judges to 12.
14	The Business Times Online, 7 May 2015	<i>Sir Henry Bernard Eder appointed as International Judge to Singapore International Commercial Court</i> Click here to view article	SIR Henry Bernard Eder, formerly a judge of the High Court of England and Wales, has been appointed as an International Judge to the Singapore International Commercial Court (SICC).
15	AsiaOne Online, 7 May 2015	<i>Former English high court judge appointed to Singapore International Commercial Court</i> Click here to view article	Sir Henry Bernard Eder has been appointed by president Mr Tony Tan Keng Yam to be the international judge to the Singapore International Commercial Court bench.
16	The Straits Times, 8 May 2015, pB2	<i>Renowned UK judge joins S'pore Bench</i>	Reported on the appointment of Sir Henry Bernard Eder an International Judge to the SICC Bench. It said that the appointment of Sir Henry Bernard Eder as a judge here is seen as Singapore's gain, a London source says his departure from the British Bench is a loss.
17	Lianhe Zaobao, 8 May 2015, p12	<i>Former UK High Court judge appointed as Singapore International Commercial Court judge</i>	Sir Henry Bernard Eder, a former UK High Court judge, was appointed as an International Judge to the Singapore International Commercial Court (SICC) yesterday. He was sworn in at the Istana yesterday, bringing the number of International Judges to the SICC to 12.

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18	Berita Harian , 8 May 2015, p7	<i>Former Judge of the High Court of England and Wales appointed as International Judge to the Singapore International Commercial Court (SICC)</i>	Former Judge of the High Court of England and Wales, Sir Henry Bernard Eder was appointed as an International Judge to the Singapore International Commercial Court (SICC). With the appointment, SICC now will have a total of 12 International Judges.
First Case to be heard at the SICC			
19	The Straits Times , 10 May 2015	<i>New Court to hear \$1b dispute case</i> Click to view article	A US\$800 million spat involving Australian, Indonesian and Singapore business interests is set to be the first case heard before the Singapore International Commercial Court (SICC). BCBC Singapore, a wholly owned subsidiary of Australian company Binderless Coal Briquetting Company, seeking damages from Indonesian company PT Bayan Resources TBK.
Articles and write-ups from law firms/ practitioners on the SICC			
20	JLegal	<i>Singapore home to new International Commercial Court</i> Click to view article	JLegal is a global recruitment and search consultancy focused purely on the legal profession. It noted that Singapore has rightly earned a reputation as a centre of commercial activity both within South East Asia and around the world. This reputation is being built further with the possible introduction of an International Commercial Court.
21	Rajah & Tann Singapore LLP	<i>The development of the Singapore International Commercial Court</i> Click to view article	An article by Rajah & Tann LLP on the development of the Singapore International Commercial Court. It noted the key features of the SICC, and question whether the SICC can serve as an alternative forum to international arbitration for the resolution of international disputes.
22	The Law Society of Singapore	<i>The Singapore International Commercial Court: The Brave New World of International</i>	The proposed creation of the Singapore International Commercial Court ("SICC") is the most ambitious step so far in the Government's strategy to position Singapore as the Asian

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		<p><i>Commercial Litigation</i></p> <p>Click to view article</p>	<p>dispute resolution hub. This article cautions that certain proposed features of the SICC raise fundamental concerns which need to be addressed and debated, and thus urges further dialogue and consultation with all stakeholders of the Singapore legal system to address these concerns satisfactorily.</p>
23	The Singapore International Mediation Centre (SIMC)	<p><i>SIMC and SICC - New Developments in Singapore for the Resolution of International Commercial Disputes</i></p> <p>Click to view article</p>	<p>The article focused on the development of the SIMC and SICC for the Resolution of International Commercial Disputes. The author pointed out that given the amount of consideration given to SIMC and the SICC, as well as the support from key stakeholders including the Ministry of Law, Singapore will truly be able to make a significant contribution to the international market in providing more options for international commercial dispute resolution.</p>
25	Allen & Overy LLP	<p><i>Planting the Seeds for an International Rule of Law - The Commercial Court of England and Wales and the SICC</i></p> <p>Click to view article</p>	<p>The article was first published in Practical Law. In the article by Shaun Leong (Associate), Allen & Overy LLP, the author noted that the Singapore International Commercial Court (SICC) was launched on 5 January 2015 to complement international commercial arbitration services provided by the internationally recognised Singapore International Arbitration Centre and international commercial mediation services provided by the newly launched Singapore International Mediation Centre. He added that the Commercial Court of England & Wales (Commercial Court), has more than a century old pedigree.</p> <p>The article compares the key features of the two courts, but ventures to surmise a common role which both courts may play in time to come.</p>
26	The e-Disclosure Information Project (EDIP)	<p><i>Sir Bernard Eder appointed an international judge at the Singapore International</i></p>	<p>In the article by Chris Dale, the author opined that the idea behind the newly-created Singapore International Commercial Court is to expand the legal services sector and to make</p>

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		<p><i>Commercial Court</i></p> <p>Click to view article</p>	<p>Singapore a centre for international dispute resolution.</p> <p>He added that Sir Vivian Ramsey, well-known to anyone concerned with recent developments in civil procedural law in England and Wales, has already been appointed one of the international judges along with Sir Bernard Rix and Simon Thorley QC. Now Sir Bernard Eder has joined them, having retired surprisingly early from the England and Wales bench.</p> <p>He concluded that the most useful anecdotal evidence we have of the rise of Singapore in disputes matters is the number of English barristers setting up here.</p>
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1	The Law Society Gazette, UK 5 January 2015	<p><i>Singapore lures judicial talent for commercial court</i></p> <p>Click to view the article</p>	<p>Singapore's aim of becoming a prime destination for resolving international commercial disputes has moved a step closer with the appointment of three former senior UK judges to the new Singapore International Commercial Court (SICC). Sir Vivian Ramsey QC, Sir Bernard Rix QC and Simon Thorley QC are among 11 international judges of the SICC who will hear transnational commercial disputes.</p> <p>With the addition of a commercial mediation centre last November and now the SICC, litigators have warned that Singapore poses a credible threat to the London Commercial Court's pre-eminence.</p>
2	Nikkei, Japan 12 January 2015	<p><i>Mr Taniguchi to become Judge of the Singapore International Commercial Court</i></p>	<p>On 5 January 2015, the Singapore International Commercial Court (SICC) began operations, adjudicating disputes between companies across national borders. The SICC is part of Singapore's High Court, and augments the transparency of civil dispute resolution mechanisms in Singapore. A feature of the</p>

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			<p>SICC is the fact that many foreign judges are being employed, and from Japan the representative judge is Professor Yasuhei Taniguchi, a renowned professor from Kyoto University (80 years old). The SICC aims to accompany the growth in international transactions and to address the concomitant issues of breach of contract by companies in Asia and beyond.</p> <p>Apart from Singaporean judges, there are 11 foreign judges (including Mr Taniguchi) who preside as judges at the SICC. The judges come from a variety of jurisdictions, including England, America, Australia, Hong Kong, France and Austria among others. Cases that involve contracts that are governed by foreign laws are also handled by the SICC. The SICC differs from the existing private arbitration infrastructure in Singapore in that decisions of the full-time judges at the SICC are publicly rendered and can be appealed upwards to the Singapore Court of Appeal.</p> <p>Mr Taniguchi was previously a member of the appeals board at the dispute resolution body of the World Trade Organization (WTO). In addition to the benefits of swift turnaround and low cost envisioned to be part of the new SICC, Mr Taniguchi also states that "the SICC, as a proper court, will be a welcome and effective new option for Japanese companies, which are traditionally not keen on private arbitration".</p> <p>The SICC is one exemplary manifestation of Singapore's plan to become the legal hub of Asia. Previously, Singapore had also worked actively to attract foreign law firms to its shores, and in particular to have international disputes resolved via arbitration in Singapore. These efforts were met with real success: in 2013, the caseload of the Singapore International Arbitration Centre was 4 times that of 10 years prior in 2003.</p> <p><i>(Translated)</i></p>
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3	<p>Mondaq Business Briefing, UK 23 February 2015</p>	<p><i>The Singapore International Commercial Court: Singapore A New Hub For International Dispute Resolution</i></p> <p>Click here to view the article</p>	<p>The article noted that the establishment of the SICC compliments Singapore's pre-existing ADR institutions (the Singapore International Mediation Centre (opened in November 2014) and the Singapore International Arbitration Centre). It said that the country now provides a full suite of dispute resolution options for commercial parties, not just from Asia, but worldwide.</p> <p>The international jurists appointed are eminent in particular areas of law and possess substantial expertise in their home jurisdictions. The first set of international jurists appointed as International Judges of the SICC includes Mr. Dyson Heydon AC QC (former Judge of the High Court of Australia), Sir Bernard Rix (former Lord Justice of Appeal of England & Wales) and Sir Vivian Ramsey (former High Court Judge of England & Wales).</p> <p>Singapore's business friendly legal system and "trusted hub" status have long attracted counterparties operating in South East Asia and beyond to Singapore for the resolution of their disputes. They now have greater choice in determining how they do so.</p>
4	<p>The Lawyers, Japan Mar 2015 www.ilslaw.co.jp</p>	<p><i>Singapore – Aspiring to become the Economic Hub of Asia</i></p>	<p>The article carried an interview with SICC International Judge, Justice Yasuhei Taniguchi on the location and purpose of the Singapore International Commercial Court (SICC) and the background to his appointment. In the article, it was noted that Attorney-at-law, Mr. Yasuhei Taniguchi, a visiting counsel at Matsuo & Kosugi and Professor Emeritus at Kyoto University, has been recently appointed as judge of the newly established Singapore International Commercial Court. It said that while Singapore already has a Singapore International Arbitration Centre (SIAC), at which disputes are resolved behind closed doors and a large number of arbitrations has been taking</p>

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			place, it noted that the centre aims to strengthen the position of a trading 'hub in Asia' by introducing a new system which allows open court hearings and appeals. <i>(Translated)</i>
5	The Australian Law Journal Volume 89/6, June 2015, p355	<i>Appointment of Australian Jurists to the Singapore International Commercial Court</i> <i>[Please scroll to the next page to read the article]</i>	On 5 January 2015, the Singapore International Court (SICC) was established as a Division of the Singapore High Court, and part of the Supreme Court of Singapore, to facilitate the resolution of complex, trans-national commercial disputes and in response to predicted growth in trade and investment across Asia. The SICC's jurisdiction includes claims of an international and commercial nature where the parties have submitted to the SICC's jurisdiction, and cases transferred from the High Court. The article mentioned the appointment of Australian Jurists as International Judges to the SICC, among other International Judges.
6	The Japan Times, Japan 18 Aug 2015, p8	<i>Global experience brings opportunity</i>	In its career development segment, the Japan Times carried a feature on SICC International Judge Yasuhei Taniguchi and mentioned Singapore's endeavour with the SICC. In summary - Octogenarian continues legal journey with appointment to newly created Singapore International Commercial Court. The article noted that although it would be well past retirement age for many people, Yasuhei Taniguchi, professor emeritus at Kyoto University, assumed his post as International Judge on the Singapore International Commercial Court (SICC) at age 80.



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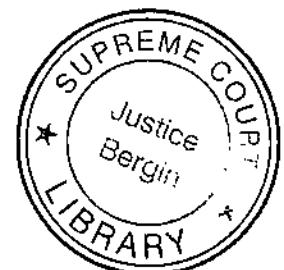
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Current issues

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MAGNA CARTA

2015 marks the 800th anniversary of the granting of *Magna Carta* – The Great Charter – by King John at Runnymede.

Today, we tend to think of *Magna Carta* as a significant foundation document of our civil rights. It is doubtful whether this assessment is historically correct, but because people over the past 400 years have assumed it to be correct, it has virtually become correct.

Professor Les Downer, in his article “Legal History – Is it Human?” (1963) 4 MULR 1 at 5, truly said:

The mediaevalist will deny ... that *Magna Carta* gave us trial by jury, and he will be right. The modern lawyer-cum-politician will be heard to assert that it did. He too will be right. What is historically a legend has become politically an overpowering reality.

Whether its effect is really legendary or not, it is a most significant document in our constitutional, political, and legal history, and we do well to commemorate its anniversary.

The speech given by the Hon James Spigelman AC QC, in the Banco Court in Sydney during April, commemorating the event, is published in this issue of Journal.

APPOINTMENT OF AUSTRALIAN JURISTS TO THE SINGAPORE INTERNATIONAL COMMERCIAL COURT

In November 2013, the Singapore International Commercial Court Committee, constituted by lawyers practising in Singapore and eminent international lawyers, including the Hon James Spigelman AC QC, former Chief Justice of the Supreme Court of New South Wales and a judge of the Court of Final Appeal of Hong Kong, produced its report on the feasibility of establishing an International Commercial Court in Singapore.

On 5 January 2015, the Singapore International Commercial Court (SICC) was established as a Division of the Singapore High Court, and part of the Supreme Court of Singapore, to facilitate the resolution of complex, trans-national commercial disputes and in response to predicted growth in trade and investment across Asia. The SICC's jurisdiction includes claims of an international and commercial nature where the parties have submitted to the SICC's jurisdiction, and cases transferred from the High Court.

The SICC is constituted by judges of the Singapore High Court, as well as international judges. On 5 January 2015 the Hon Mr Dyson Heydon AC QC, former Justice of the High Court of Australia, the Hon Justice P A Bergin, Chief Judge in Equity of the Supreme Court of New South Wales and the Hon Mr Roger Giles QC, former Judge of Appeal of the New South Wales Court of Appeal, were appointed as International Judges.

The other International Judges who were appointed at the same time are Ms Carolyn Berger, former appellate judge of the Delaware Supreme Court; the Hon Dr Irmgard Griss, Deputy Member of the Austrian Constitutional Court and former President of the Austrian Supreme Court; the Hon Justice Dominique T Hascher of the Supreme Judicial Court in France; Sir Vivian Ramsay, a former judge of the High Court (Queens Bench Division) of England and Wales; the Hon Anselmo Reyes SC, a former judge of the Court of First Instance in Hong Kong; the Rt Hon Sir Bernard Rix, a former Lord Justice of Appeal of the Court of Appeal of England and Wales; Mr Simon Thorley QC, a former Deputy High Court Judge of England and Wales; and Professor Yasuhei Taniguchi, Professor Emeritus at Kyoto University in Japan.